

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

The State of Missouri, *et al.*,

Plaintiffs,

v.

President Joseph R. Biden, Jr., in his official capacity as President of the United States of America, *et. al.*,

Defendants.

Civil Action No. 22-cv-1213

**UNOPPOSED MOTION TO STAY RESPONSE DEADLINES
FOR PLAINTIFFS' FIRST AMENDED COMPLAINT
AND ANTICIPATED SECOND AMENDED COMPLAINT**

In light of the Court's ruling that Plaintiffs may file a Second Amended Complaint on or before October 6, 2022, Defendants respectfully request that the Court (i) stay Defendants' deadline to respond to Plaintiffs' First Amended Complaint, and (ii) stay Defendants' deadline to respond to Plaintiffs' forthcoming Second Amended Complaint, and instead require the parties to file a joint status report, within fourteen (14) days of the filing of the Second Amended Complaint, proposing a schedule for any motion to dismiss briefing over that Complaint. Federal courts may extend forthcoming deadlines "for good cause" (Fed. R. Civ. P. 6(b)(1)(B)), and good cause exists for the requested stays, which will promote judicial efficiency and not prejudice the parties.

On August 26, 2022, the Court granted Defendants' motion to extend their deadline—to September 13, 2022—to respond to the First Amended Complaint. *See* ECF No. 69. On September 6, 2022, the Court ruled that "Plaintiffs may file a Second Amended Complaint adding additional agencies and/or parties within thirty (30) days" of that order (*i.e.*, on or before October 6, 2022). ECF No. 72.

In light of Plaintiffs' forthcoming Second Amended Complaint, the Court should stay Defendants' deadline to respond to Plaintiffs' First Amended Complaint. The requested stay is appropriate because it would be inefficient for Defendants to draft and file a response to the First Amended Complaint when Plaintiffs have represented that they will file a new Complaint purportedly adding new defendants and new allegations concerning those defendants.

Furthermore, in light of the multiple impending deadlines—*e.g.*, the deadline for the parties to confer over, and brief, the issue of expedited, preliminary-injunction related depositions; the deadline to take such depositions (if authorized); and the deadline for the parties to complete briefing over Plaintiffs' pending preliminary injunction motion—the Court should likewise stay Defendants' default fourteen-day deadline (*see* Fed. R. Civ. P. 15(a)(3)) to respond to Plaintiffs' forthcoming Second Amended Complaint. Instead, the Court should direct the parties to file, within fourteen (14) days of the filing of the Second Amended Complaint, a joint status report proposing a schedule for any motion to dismiss briefing over the Second Amended Complaint. This request is justified because it could spare the parties the potential burden of briefing a motion to dismiss while the parties are concurrently participating in expedited discovery and preliminary injunction motion briefing. Instead, the parties should confer over a schedule that is more compatible with the pending deadlines in this matter.

Defendants have conferred with Plaintiffs, and Plaintiffs consent to this request.

Dated: September 7, 2022

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney
General

ERIC WOMACK
Assistant Director, Federal Programs
Branch

/s/ Kuntal Cholera
ADAM KIRSCHNER
Senior Trial Counsel
KYLA SNOW
INDRANEEL SUR
KUNTAL CHOLERA
Trial Attorneys
U.S. Department of Justice
Civil Division, Federal Programs
Branch
1100 L. Street, NW
Washington D.C. 20005
Tel: (202) 514-3259
Fax: (202) 616-8460
Kyla.Snow@usdoj.gov

Attorneys for Defendants

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

The State of Missouri, *et al.*,

Plaintiffs,

v.

President Joseph R. Biden, Jr., in his official capacity as President of the United States of America, *et. al.*,

Defendants.

Civil Action No. 22-cv-1213

PROPOSED ORDER

Considering Defendants' Motion to Stay Answer Deadlines, ECF No. ___,

IT IS ORDERED that the Motion is **GRANTED**.

Defendants' deadline to respond to the First Amended Complaint is **STAYED**.

Defendants deadline to respond to Plaintiffs' forthcoming Second Amended Complaint is **STAYED**. The parties shall file, within fourteen days of the filing of the Second Amended Complaint, a joint status report proposing a schedule for motion to dismiss briefing with respect to the Second Amended Complaint.

MONROE, LOUISIANA, this ____ day of September 2022.

Terry A. Doughty
United States District Judge